

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	<b>Criminal Case No. 3:95cr00051-1</b>
	)	
<b>v.</b>	)	<b>2255 FINAL ORDER</b>
	)	
<b>DAMIEN NELSON.</b>	)	<b>By: Norman K. Moon</b>
	)	<b>United States District Judge</b>

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ORDERED and ADJUDGED**

that Nelson's motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED without prejudice** as successive; and this case is **STRICKEN** from the active docket of the court.

Further, finding that Nelson has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to the petitioner.

**ENTER:** This 30<sup>th</sup> day of March, 2011.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE